

CITY OF MILFORD
REGULAR MEETING
OCTOBER 2, 2012
MINUTES

A regular meeting of the Mayor and Council of the City of Milford, Nebraska was held at the Webermeier Library Building in said City on the 2nd day of October 2012 at 7:30 pm. Present were: Mayor Dean Bruha; Council members: Jeff Baker, Rick Fortune, Jeff Heckman, Dan Kral; Attorney Robert Blevens; Maintenance Supt. Mark Frey and City Clerk Jeanne Hoggins. Absent: Chief of Police Forrest Siebken. Also present: See attached list.

Notice of the meeting was given in advance thereof by publishing in the Milford Times; a designated method for giving notice, as shown by the Affidavit of Publication attached to these minutes. Notice of the meeting was given to the Mayor and all members of the Council and a copy of their acknowledgement of receipt of notice and the agenda is attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

CALL TO ORDER: Mayor Dean Bruha called the meeting to order at 7:40 pm. and publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act is available for review and is posted on the east wall of the Webermeier Library Meeting Room.

MINUTES: A motion was made by Fortune and seconded by Kral to approve the minutes of the September 4, 2012 meeting. Roll call vote: Fortune yes, Kral yes, Baker yes, Heckman yes. Motion carried.

A motion was made by Baker and seconded by Kral to approve the minutes of the September 10, 2012 meeting. Roll call vote: Baker yes, Kral yes, Fortune yes, Heckman yes. Motion carried.

PAYMENT OF BILLS: A motion was made by Heckman and seconded by Kral that the following bills in the amount of \$73,104.09; Bond principal in the amount of \$35,000.00; Bond Interest in the amount of \$9,211.25 and payroll in the amount of \$25,576.86 approved by the Auditing Committee be approved for payment. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune yes. Motion carried.

SALARIES:

54197	Mark Frey	1516.38
54198	Forrest Siebken	1352.43
54199	Mavis Ferris	80.19

54200	Jeanne Hoggins	1358.40
54201	Gary TeSelle	768.55
54202	Robert Hull	1025.22
54203	David Dahle	1062.60
54204	George Matzen	557.34
54205	Tracy Yeackley	755.24
54206	Benjamin Rediger	779.44
54207	Craig Corder	1517.63
54208	Jason Meyer	1062.52
54209	Sean Stahly	120.28
54210	Jillian Boden	258.52
54211	Lisa Aschoff	541.89
54212	Erica Pallas	302.51
54213	Timothy Long	64.99
54214	Derek Tegtmeier	471.99
54268	Mark Frey	1516.38
54269	Forrest Siebken	1352.43
54270	Mavis Ferris	76.70
54271	Jeanne Hoggins	1321.82
54272	Gary TeSelle	796.61
54273	Robert Hull	970.00
54274	David Dahle	1067.45
54275	George Matzen	612.01
54276	Tracy Yeackley	755.24
54277	Benjamin Rediger	830.90
54278	Craig Corder	1255.75
54279	Jason Meyer	975.48
54280	Sean Stahly	120.28
54281	Jillian Boden	305.69
54282	Lisa Aschoff	600.17
54283	Erica Pallas	333.87
54284	Timothy Long	116.28
54285	Derek Tegtmeier	218.90
54288	Ricky Fortune	141.52
54289	Dean Bruha	188.70
54290	Jeff Baker	141.52
54291	Jeff Heckman	141.52
54292	Dan Kral	141.52

GENERAL FUND:

54216	Union Bank- HSA	655.00
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54186	Luis Cervantes- WA/SW Deposit Refund	13.72
54187	Cathy Down- WA/SW Deposit Refund	3.73
54188	Iron Shell Farean- WA/SW Deposit Refund	37.04
54189	Juan Marez- WA/SW Deposit Refund	36.72
54190	Linda Nichols- WA/SW Deposit Refund	51.03
54191	Luke Phillips- WA/SW Deposit Refund	50.48
54192	Eric Stokebrand- WA/SW Deposit Refund	75.00
54193	Amy Taylor- WA/SW Deposit Refund	10.98
54194	Steve Taylor- WA/SW Deposit Refund	50.00
54195	Val West- WA/SW Deposit Refund	15.97
54196	U.S. Postmaster- Utility Billing Postage	195.44
54215	Ameritas Group- Pension	1647.95
54216	Union Bank- HSA	655.00
54217	American Building Inspectors- Monthly Inspections	375.00
54218	Aramark- Pants & Rags	528.05
54219	AT&T- Long Distance	7.02
54220	Baker & Taylor- Books	72.63
54221	Black Hills Energy- Service for August	174.65
54222	City of Milford- Postage, Battery	18.82
54223	Cloy Stutzman- Refinish door, labor	200.00
54224	Concrete Works, Inc.- Locust & 5 th & C St Repair	15215.00
54225	D&D Communications- Battery Pack	28.00
54227	Demco, Inc.- Processing supplies	284.08
54228	Diode Communications- Service for August	55.22
54229	Eakes- Copy paper, PO Books, Dell cartridges	228.16
54230	Emergency Medical Products- CPR board	425.88
54231	Farmers Co-op- Gas/Diesel for Aug, tire repair	1182.26
54232	George Matzen- Wood Repair Sealant	74.93
54233	Graham Tire- Tires for Unit 2	474.80
54234	Great Plains-One Call- Locate Request	23.88
54235	Interstate All Battery Center- Back up batteries	118.42
54236	Jeanne Hoggins- Bookshelf, Trash Liner	33.87
54237	John Deere Financial- String & Weed Eater	81.71
54238	Kelly Supply Co.- Bushing	10.92
54239	Lynn Peavy Co - VOID	
54240	Matheson Tri-Gas- Oxygen	76.26
54241	Milford A/C & App.- Repair A/C @ Maint Shop	547.78
54242	Milford Plumbing- Install New Meter	251.38
54243	Milford Supermarket- Food	151.99
54244	Milford Valu-Rite Pharmacy- Battery, Test Strips	37.66
54245	Mueri Drug- Med for Bug Bite	62.00

54246	Municipal Supply- 3/4" meters	971.17
54247	NE Motor Parts- Spark Plug, Rope Harness, Lamp	26.69
54248	Nebraska Public Health- Nitrate, Coliform	56.00
54249	NPPD- Service for August	8623.21
54250	Pizza Kitchen- Meals (August)	258.40
54251	Reader Service- Books	12.99
54252	Recreation Supply- Umbrella	339.00
54253	Recyclelink- Recyclelink service	36.00
54254	Rediger Automotive- Oil Change unit #2	39.55
54255	Roxanne Roth- Cleaning Service	50.00
54256	Seward Co Public Power Dist- Wells 1&2	1317.05
54257	Seward County Independent- Mintues, Notices	165.83
54258	Shell Fleet Plus- Fuel for '08 Pickup	245.41
54259	Shell Fleet Plus- Fuel expense	837.28
54260	Shell Fleet Plus- Car Gas	49.23
54261	Subway Motors- Replace Radiator	356.41
54262	Sunrise Country Manor- Meals for August	729.75
54263	The Garbage Co- Service for August	137.50
54264	Uribe- Garbage pickup	37.00
54265	Verizon Wireless- Air Cards	80.02
54266	Verizon Wireless- Cellular Phones	102.12
54267	Windstream- Service for August	564.67
54286	Ameritas Group- Pension	1647.95
54287	Union Bank- HSA	705.00
54293	Aflac- Dis, Cancer, Acc, Supp	661.39
54294	Allied Insurance- Secretary Bond- Pallas/Crime Bnd	275.00
54295	Berry- Directory Advertising	17.95
54296	Blevens Law Office- Legal Service for September	350.00
54297	City of York- RAP	1035.00
54298	Companion Life- Dental Coverage	595.52
54299	Companion Life- Vision Coverage	19.93
54300	Consolidated Management Co- Meals at NLETC	8.50
54301	Coventry Health Care- Health Ins 10/1-10/31	8516.12
54302	Culligan- Bottled Water & Cooler Rent	16.15
54303	Deeter Foundry- Storm Sewer Lid	166.00
54304	Fort Dearborn- Life Insurance	113.52
54305	Goldsmith Tree Service- Stump Removal	870.00
54306	Greatamerica Leasing- Meter Rental	80.00
54307	IIMC- Membership Fees (Jeanne/Tracy)	230.00
54308	JEO- Bidding & Negotiation	2000.00
54309	Kremer's Inc- Photo Cell, Labor	66.94

54310	League of NE Municipalities- Membership Dues	633.00
54311	League of NE Municipalities- Membership Dues	2769.00
54312	Marvin E. Jewell- 2012-2013 Budget Prep	6500.00
54313	Matheson- Reg. Nitrogen	121.21
54314	Meyer Automotive- Sensor Issues Tire & Airbag	85.80
54315	Milford School Dist.- Parking Fines	25.00
54316	Milford Valu-Rite Pharmacy- Lancet	10.00
54317	Mutual of Omaha- Disability	30.24
54318	NE Department of Revenue- Recycling Fee	25.00
54319	Rediger Automotive- Repair Diesel leak (ambulance)	177.89
54320	Ikon Office Solution- Meter Rent 9/4-10/3	196.88
54321	Roxanne Roth- Cleaning Services	50.00
54322	SEND- Membership Dues	1777.00
54323	Union Bank- Gary TeSelle Acct, Medicare Part D	431.50
54324	Verizon Wireless- Cellular Charges	94.48
54325	Verizon Wireless- Well Control Monitor	40.01
54326	Wal-Mart- Community BRC- Ammo, Targets, Paper	310.78
54327	Weathercraft of Lincoln-Inspection & Repair	374.00
54328	Wergin's Lawn Service- Pre-Emergent Fertilizer	219.00
54329	Windstream- Civil Defense phone, Sr. Center, Sewer	353.63

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Milford Housing Authority minutes for September 13, 2012; Milford Aging Services Commission minutes for September 25, 2012; Pool Board minutes for September 25, 2012; Recreation Board minutes for September 25, 2012; MVFD Fire & Rescue NARSIS Report for September 2012 and Milford Economic Development Committee minutes for September 5, 2012.

COMMUNICATIONS: *Sales tax received for the month of July 2012 in the amount of \$16,005.92. *NPPD proposed rate increase overall at 3.75% for 2013.

PUBLIC HEARINGS:

Application for Class D Liquor License for STOP N SHOP at 410 S. Hwy 6: Mayor Bruha opened the Public Hearing at 7:45 pm. Jason Laessig owner/operator of Stop n Shop introduced himself and gave a brief outline of his history. In 2007 he started his business with Stop N Shop and currently has stores in Weeping Water, Crete, Lincoln and now Milford. He is heavily involved in the community where he has stores. He is asking for a Class D license because that is what his other stores currently have. He is experienced in selling not only beer but also wine and spirits. He has reached out to S.C.C. president Dr. Huck and Seward County Sheriff Joe Yocum and they both take no stance for or against the issue. Chief Siebken

was unavailable when he called. He has had no issues in the other towns. Mayor Bruha questioned what would be eliminated from the store to display the additional wine and spirits. Laessig - They have removed a lot of freezers and there is a 4' section available for the display. The smaller bottles will be located behind the counter. There being no further comments from the public Mayor Bruha closed the public hearing at 7:50 pm.

Alcohol Sales on Sunday within the corporate limits: Mayor Bruha opened the public hearing at 7:51 pm. He asked if there was anyone that wanted to speak on behalf of the item. Don Eberspacher spoke against the issue. His first thought was, do we really need it? Alcoholism is a disease and affects you & me. He gave statistics on binge drinking and the number of people that drink over the age of 15. Sunday is a day set aside for Church and rest. Alcohol brings grief and problems to the area. He is commenting against this issue as he does not want to be responsible. Mr. Eberspacher is asking the Council to deny the sale of alcohol on Sunday in the corporate limits of Milford. Connie Hoile appreciates the thoughts and comments of Mr. Eberspacher. The City of Milford is losing out by people going out of town to do their one stop shopping. They will drive to the interstate to buy gas and pick up alcohol while they are there. She would like to see the tax dollars stay in Milford. Jason Laessig added that there is viable business on Sunday. People will go out of town and this is a substantial chunk of change. Sheila Eberspacher noted that alcohol may be consumed on Sunday but she has always prided herself in being able to say that Milford is alcohol sales free on Sunday. It's really kind of a neat thing." There being no further comments Mayor Bruha closed the public hearing at 8:04 pm.

Citizen Advisory Committee: Mayor Bruha opened the public hearing at 8:05 pm. He explained LB840 and how it is used in Milford. There is currently a balance of \$150,344.55. Within the last couple months there has been quite a bit of activity in Milford involving Economic Development. Mayor Bruha explained the typical process of an application and that they have in the past given a grant to the recipient that will not be paid back and also an interest free loan which will be paid back in 4 years. This allows the entrepreneur to get their feet on the ground and sustain themselves. No further comments Mayor Bruha closed the public hearing at 8:07 pm.

UNFINISHED BUSINESS:

Introduction and Adoption of Ordinance – Recreational Fires/Fire Pits: Council member Fortune introduced the following ordinance adding the exception to the proposed ordinance:

ORDINANCE NO. 863

AN ORDINANCE TO ADD SECTION 7-213 TO THE MILFORD MUNICIPAL CODE RELATING TO RECREATIONAL FIRES; TO

PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT. (See Ordinance Record)

Action on Rental Agreements – Fire Hall, Webermeier Bldg., Sr Center:

It was noted that changes need to be made to the agreements and then follow thru with the guidelines set. Mayor Bruha mentioned that before a deposit is returned the buildings should be thoroughly inspected.

NEW BUSINESS:

Introduction and Adoption of Resolution – Application for Class D Liquor License for STOP N SHOP:

Fortune made a recommendation to approve the license change for STOP N SHOP. With no further comments Council member Fortune introduced the adoption of the following resolution:

RESOLUTION NO. 481

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MILFORD, NEBRASKA

WHEREAS the Mayor and Council have conducted a public hearing upon the issuance of a Class D liquor license to Stop ‘N Shop #4, located at 410 S. State Highway #6, in the City of Milford, Seward County, Nebraska and have no objections to the issuance of said license.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby recommend to the Nebraska Liquor Control Commission that a Class “D” license be issued to said applicant, Stop ‘N Shop #4, for the location at 410 S. State Highway #6, in the City of Milford, Seward County, Nebraska.

October 2, 2012

City of Milford, Nebraska

Attest: _____
City Clerk

Mayor

(SEAL)

Action on Alcohol Sales on Sunday within the Corporate Limits:

Fortune has had conversation with local business owners and the Golf Course is having issues with this. He understands what the Eberspachers are saying but because we are just minutes from other places that sell alcohol we are missing out on sales that are being sent down the road. Fortune would be in favor of some type of sales and the hours can be discussed. Kral has spoken with several people that are on the Board at the Golf Course and he understands that the golf course is struggling. Kral recognizes the quality of

input but if someone can go down the road and spend the money rather than spending it here, we can't alter behavior but we could alter spending. Kral would be in favor of allowing this to occur to keep the golf course solvent. Hours and types of alcohol were discussed. Bruha mentioned that he would like it if the community could stay alcohol free on Sunday. A motion was made by Fortune and seconded by Kral to introduce the following ordinance:

ORDINANCE NO. 864

AN ORDINANCE TO SET THE HOURS OF SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF MILFORD, NEBRASKA; TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES ON SUNDAY; TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT, AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH. (See Ordinance Record)

Approve Coed Volleyball Director and Youth Basketball Coaches: A motion was made by Baker and seconded by Kral to approve Bruce Stutzman as the Coed Volleyball Director and Craig Bontrager as the youth Basketball Coach. Roll call vote: Baker yes, Kral yes, Fortune yes, Heckman yes. Motion carried.

Approve Fire Dept. membership roster: A motion was made by Kral and seconded by Heckman to approve the Fire Dept. roster as submitted with 42 members. Roll call vote: Kral yes, Heckman yes, Baker yes, Fortune yes. Motion carried.

Introduction and Adoption of Ordinance – Vacate west 100 feet of alley between 2nd & 3rd St. and E & F St.: A motion was made by Council member Kral to introduce the following ordinance:

ORDINANCE NO. 865

AN ORDINANCE OF THE CITY OF MILFORD, NEBRASKA TO VACATE THE WEST 100 FEET OF THE ALLEY IN THE CITY OF MILFORD, NEBRASKA, BEING THE WEST 100 FEET OF THE ALLEY RUNNING EAST AND WEST WHICH IS LOCATED BETWEEN SECOND STREET AND THIRD STREET AND BETWEEN F STREET AND E STREET, IN THE CITY OF MILFORD, SEWARD COUNTY, NEBRASKA; TO RETAIN AN EASEMENT OVER AND ACROSS SAID ALLEY FOR LOCATION OF WATER, SEWER, ELECTRICAL, TELEPHONE, UTILITIES, AND OTHER MUNICIPAL PURPOSES AND FOR PURPOSES OF INGRESS AND EGRESS TO THE CITY OF MILFORD, NEBRASKA AND THE GENERAL PUBLIC, TO PROVIDE FOR THE MAINTENANCE OF SAID ALLEY; TO PROVIDE THE MANNER FOR DETERMINATION OF DAMAGES BY CITIZENS OF THE CITY OR BY OWNERS OF PROPERTY THEREIN; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PRESCRIBING

THE TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT. (See Ordinance Record)

Request for Economic Development Funding – Kathi Schildt: Mayor Bruha read the minutes provided by the Milford Economic Development Committee. (Copy of minutes attached) Council member Baker noted a professional conflict of interest and eliminated himself from the vote. A motion was made by Kral and seconded by Fortune to approve the recommendation of economic development funding for Kathi Schildt dba Advanced Association Management LLC in the amount of a \$20,000.00 grant and a \$20,000.00 loan at 0% interest over four (4) years. Roll call vote: Kral yes, Fortune yes, Heckman yes. Motion carried.

Discussion of Rescue/Fire Billing: Council member Kral noted the Fire Dept. has researched this area and would like to share their finding. Marcy Hostetler presented the information which is attached and has become part of the official minutes. (See attached)

Action on Franchise Agreement with Unite Private Networks, LLC: There are still some questions that need to be researched. Council decided to table this action until next month.

Salary Adjustment: Mayor Bruha noted that during budget and salary discussion he neglected to highlight Ben Rediger's performance and would like to at this time ask the Council to consider increasing his hourly rate by \$1.00. This would adjust his rate from \$14.72 to \$15.72. He is currently being paid 100% out of the Parks Dept. His salary could be divided 75% out of Parks and 25% out of Streets. Baker did not disagree that Ben has a good work ethic but did not want to set precedence and have to deal with another request for increase. The Council discussed having Ben get certified in water which would increase his responsibilities and at that point a raise would be forthcoming. A motion was made by Kral and seconded by Fortune to increase Ben Redigers' hourly rate by \$1.00 contingent on him receiving his water certification. Roll call vote: Kral yes, Fortune yes, Baker yes, Heckman yes. Motion carried.

Introduction and Adoption of Resolution – R.A.P. Program: Attorney Blevens read the proposed resolution. A motion was made by Kral to introduce and adopt the following resolution:

RESOLUTION NO. 482

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MILFORD, NEBRASKA:

WHEREAS, law enforcement agencies with the following counties: Butler, Fillmore, Hamilton, Jefferson, Merrick, Polk, Saunders, Seward, Thayer, Webster, and York desire to enter into a cooperative law enforcement effort; and

WHEREAS, the various counties, communities, and agencies within those jurisdictions desire to make the most efficient use of the power by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors; and

WHEREAS, an interlocal agreement, consistent with Nebraska Revised Statutes 13-801 et.seq., would be in the best interest of all participating agencies; and

WHEREAS, the agencies desire to enter into a written interlocal agreement for the purpose of carrying out the R.A.P. objectives.

BE IT RESOLVED THAT:

The City of Milford authorizes Chief Forrest Siebken to enter the City of Milford into an interlocal agreement for joint and cooperative action pursuant to the provisions of Section 13-801 through 13-807 of Nebraska Revised Statutes. The interlocal agreement shall be for the strict administration of the R.A.P. project and all funds allocated by the RAP members. Further, this interlocal agreement shall not establish a separate legal entity, rather as a joint and cooperative undertaking between public agencies i.e. state, county, city and village. (Nebraska Revised Statute 13-801)

Amount of match dollars allocated by the City of Milford for the 2012- 2013 grant period (RAP 23) will be \$1035.00. (2000 census 2,070 x \$0.50)

Upon roll call vote as follows: Kral yes, Heckman yes, Baker yes, Fortune yes. Motion carried.

Dated this 2nd day of October, 2012.

City Clerk

Mayor

(SEAL)

ADJOURNMENT: A motion was made by Heckman and seconded by Fortune to adjourn the meeting. Roll call vote: Heckman yes, Fortune yes, Baker yes, Kral yes. Motion carried and meeting adjourned at 9:00 pm.

Jeanne Hoggins, City Clerk

Dean A. Bruha, Mayor

CERTIFICATION

I, the undersigned, City Clerk of the City of Milford, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on October 2, 2012 that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

(SEAL)

Jeanne Hoggins, City Clerk